

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
W.P.No.29578 of 2018
and W.M.P.No.34540 of 2018

M/s.Srinivasan Associates Private Limited
Rep by its Managing Director Mr.G.Srinivasan,
14/2 and 4 Avinashi Road, Opposite Tirupur Textiles,
Peelamedu, Coimbatore 641 004. ... PETITIONER

Vs.

The Regional Provident Fund Commissioner II,
Employees Provident Fund Organization,
P.B. No. 3875 Dr.Balasundaram Road,
Coimbatore 641 018. ... RESPONDENT

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondent from passing final orders in respect of proceedings No. TN/RO/CBE/ENF-C/CC-1(16)/45310/2018 initiated under Section 7A of the EPF and MP Act and direct the respondent to reopen the enquiry in respect of proceedings No.TN/RO/CBE/ENF-C/CC-1(16)/45310/2018 permit the petitioner to cross examine S.Sathyamoorthi Enforcement Officer and lead evidence.

For Petitioner : Mr.Ravindran, Sr. Counsel for
Mr.S.Bazeer Ahamed

For Respondent : Mr.Thirunavukkarasu,
Standing counsel for E.P.F.

O R D E R

The learned counsel for the petitioner would submit that respondent based on the inspection report, dated 25.1.2018 filed by the Enforcement Officer, has claimed additional contribution of Rs.1,95,91,325/- for the period April 2012 to November 2017. By letter, dated 5.9.2018 and 22.10.2018, the petitioner requested the respondent to allow it to cross examine the Enforcement Officer who prepared the report, dated 25.1.2018 and the aforesaid enquiry was concluded on 29.10.2018. Thereafter also, the petitioner sent a letter to the respondent

to reopen for cross examination of the Enforcement Officer. The said letter was received on 1.11.2018. Therefore, an opportunity may be granted to the petitioner for cross examination of the Enforcement Officer.

2. Mr.R.Thirunavukkarasu, learned Standing counsel takes notice for the respondent on instructions would submit that pursuant to the enquiry that was concluded on 29.10.2018, final order has been passed today (9.11.2018) and the same will be communicated to the petitioner.

3. In view of the submission made by the learned Standing counsel for the respondent, nothing requires for further adjudication. Hence, the writ petition is dismissed with liberty to the petitioner to raise the ground in the present writ petition before the appropriate forum. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

The Regional Provident Fund Commissioner II,
Employees Provident Fund Organization,
P.B. No. 3875 Dr.Balasundaram Road,
Coimbatore 641 018.

+1cc to Mr.S.Bazeer, Advocate, S.R.No. 76964

+1cc to Mr. R.Thirunavukkarasu, Advocate, S.R.No. 76857

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SPD (CO)
GN(15/11/2018)

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